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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 15 2005

Regarding: John C. Montagna et al.
Serial No. 10/696,342
Filing Date 10/29/2003
For PULL OUT DRAWER SYSTEM

AF Amendment
Per Putative
Final Status

Attention: Art Unit 3612 -- Primary Examiner Dennis H. Pedder

M.S. AF, Commissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted
to the Patent and Trademark Office (703-872-9306) on 15 APR 2005:

Christopher John Rudy: Christopher John Rudy Apr. 15, 2005.

Thank you for the 04/05/2005 Advisory Action and interview by phone with the Examiner on this April 12th and 14th. In reply to the 01/19/2005 action and in consideration of the Advisory and interview, please enter this amendment, reconsider and further examine the case, and withdraw the objection and rejections.

CLAIMS AMENDMENTS follow this introductory page.

This amendment more particularly points out and distinctly claims the invention, and is fully supported by the underlying specification with drawings; no new matter is added. Claims 1-4, 7-10, 15-18, 23-25, 27-30 and 32 are present. No fee is now due.

The Examiner is thanked for the phone interviews of April 12 & 14, 2005. On the 12th, the undersigned said that he could remove the inverted U-channel from claim 1 and put it into a dependent claim. The Examiner asked, "Why?" The undersigned submitted that claim 27 includes the drawer limitation from claim 28, which was already examined in context; and requested that claims 1, 9 and 27 be especially looked at. The Examiner said there was new art to apply, and recommended filing an RCE; and said he would call the undersigned the next day. He did not. Nor did he call the day after, the 14th, until the undersigned called him first. He said that he probably would not enter an amendment. The undersigned asked, "Why?" and reminded the Examiner that the first rejection was under 102(b) and that the undersigned suggested the proper course of rejection in the first amendment by asserting common ownership. The Examiner said that it should have been brought up by the undersigned, who replied that it was in the amendment remarks, on the face of Darbishire's patent and that an assignment had been submitted to the Office in this application. The undersigned also stated that the Examiner, if he would tout all the additional prior art that he says would render the claims unpatentable, should have applied it from the outset, and not kept such in reserve as an excuse to not enter an amendment. The undersigned submitted that the final status was premature. The Examiner said that he had little time to examine a case, and that a petition to direct him to enter the amendment could be filed. The comments of the Examiner are invited.

Enclosed is Petition to Instruct Examiner to Enter Amendment.